

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**TRACY HOOTS,**

***Plaintiff,***

**v.**

**HENDERSON COUNTY  
SHERIFF'S OFFICE, et al.,**

***Defendants.***

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**Case No. 6:23-cv-00433-JDK-KNM**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Tracy Hoots, proceeding pro se, filed this case seeking relief pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.


On October 3, 2023, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this case with prejudice for failure to state a claim. Docket No. 8. Plaintiff filed written objections. Docket No. 11.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In the Report, the Magistrate Judge concludes that Plaintiff's claims are time-barred. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983, which has a two-year limitations period in Texas. *Piotrowski v. City of Houston*, 237 F.3d 567, 576 (5th Cir. 2001). Plaintiff alleges that her rights, as well as her children's, were violated in 2019 when she was arrested and her children were removed from her custody. The objections do not dispute the timing of these events. Instead, Plaintiff asserts that she did not receive her case file from her attorney until 2022. A cause of action, however, "begins to run the moment the plaintiff becomes aware that [s]he has suffered an injury or has sufficient information to know that [s]he has been injured." *Id.* (quotations omitted). The written objections do not show that Plaintiff was unaware of her alleged injury in 2019.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 8) as the opinion of the Court. Plaintiff's claims are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

So **ORDERED** and **SIGNED** this **3rd** day of **November, 2023**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE